

## **STUDENT RECORDS**

The Sacramento City Unified School District (District) must protect the confidentiality of personally identifiable information (PII) at collection, storage, disclosure, and destruction stages. The District shall establish, maintain and destroy pupil records as authorized by law. Parents/guardians have the right to inspect, and review education records relating to their children that are collected, maintained, or used by the agency.

The following guidelines pertain to maintenance of student records:

- One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.
- All personnel collecting or using PII must receive training or instruction regarding the state's policies and procedures under the Family Educational Rights and Privacy Act (FERPA); and
- The District must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.  
(34 C.F.R. § 300.623)

### ***Student Records and Gender Designation***

The District should update student forms to ensure the indication of non-binary gender is available. This would apply to all official student records, including but not limited to enrollment and registrations forms, IEPs, 504 plans, report cards, and transcripts.

The District should also contact their electronic student information system providers to ensure electronic systems are updated accordingly.

### ***Types of Student Records***

Title 5 of the California Code of Regulations section 432 describes the three types of pupil records in detail: (1) mandatory permanent records; (2) mandatory interim pupil records; and, (3) permitted records.

#### **Mandatory Permanent Records**

Mandatory permanent records are those records which the schools have been directed to compile by California statute authorization or authorized administrative directive. The District shall indefinitely maintain all mandatory permanent pupil records or an exact copy thereof for every pupil who was enrolled in a school program within that district. The mandatory permanent pupil record or a copy thereof shall be forwarded by the sending district on request of the public or

private school in which the student has enrolled or intends to enroll. Such records shall include the following:

- Legal name of pupil;
- Date of birth;
- Method of verification of birth date;
- Sex of pupil;
- Place of birth;
- Name and address of parent of minor pupil;
- Address of minor pupil if different than the above;
- An annual verification of the name and address of the parent and pupil residence;
- Entering and leaving date of each school year and for any summer session or other extra session;
- Subjects taken during each year, half-year, summer session, or quarter;
- If marks or credit are given, the mark or number of credits toward graduation allows for work taken;
- Verification of or exemption from required immunizations; and
- Date of high school graduation or equivalent.

#### Mandatory Interim Pupil Records

Mandatory interim pupil records are those records which schools are required to compile and maintain for stipulated periods of time and are then destroyed as per California statute or regulation. Such records shall include:

- A log or record identifying those persons (except authorized school Personnel) or organizations requesting or receiving information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible pupil, or a dependent adult pupil, or an adult pupil, or the custodian of records;
- Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver;
- Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge;

- Language training records;
- Progress slips and/or notices as required by Education Code sections 49066 and 49067;
- Parental restrictions regarding access to directory information or related stipulations;
- Parent/guardian or adult pupil rejoinders to challenged records and to disciplinary action;
- Parental authorizations or prohibitions of pupil participation in specific programs; and
- Results of standardized tests administered within the preceding three years.

Although there is no clear mandate to maintain assessment protocols under these regulations, it is recommended as a best practice that protocols be considered mandatory interim records, and therefore maintained as such.

### Permitted Records

Permitted records are those pupil records which districts may maintain for appropriate educational purposes. Such records may include:

- Objective counselor and/or teacher ratings;
- Standardized test results older than three years;
- Routine discipline data;
- Verified reports of relevant behavioral patterns; and
- All disciplinary notices.

Keeping the records of students who were assessed but did not qualify for special education is not required. However, these records may be of assistance in the event of any future evaluation, and may provide evidence that a school fulfilled their Child Find obligations.

### ***Timelines***

*Mandatory permanent pupil records* must be retained in perpetuity by all California schools.

*Mandatory interim pupil records* may be determined to be disposable when the student leaves the District or when their usefulness ceases, unless transferred to another district. Mandatory interim pupil records may be destroyed the third school year following such classification.

*Permitted pupil records* may be destroyed when their usefulness ceases. Permitted pupil records may be destroyed after six months following the pupil's completion or withdrawal from the educational program. (5 C.C.R. § 437)

The District must assure that records are not available for possible public inspection during the destruction process.

### ***Required Notification to District of Residence When Student Leaves a Charter School***

A charter school must notify the superintendent of the school district of the pupil's last known address within thirty (30) days if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason. (Ed. Code, § 47605(d)(3))

Additionally, upon request, charter schools are obligated to provide the District with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. The District should maintain a standard notification letter that may be used for this purpose, thereby ensuring compliance with this legal requirement

### **Special Education Information System**

The Special Education Information System (SEIS) is a virtual database that holds electronic versions of each student's IEP. Not all districts use this system. SEIS can only be accessed by authorized users who have a username and password. SEIS is a highly secure database and information is accessible to only a limited number of users per district. A student's original IEP documents (original hard copies) serve as the legal document, with SEIS serving as a management system for record keeping. Original hard copies of students' IEPs should be printed out and stored in the students' confidential file(s).

### ***Access***

Special education records are subject to the same privacy and access rights as other mandatory records. In addition, parents/guardians have the right to examine all school records of their child that relate to the identification, assessment, and educational placement of the child. Even though records may be stamped "confidential" or contain sensitive information, the parent/guardian or eligible student has full right of access. Parents/guardians have the right to receive copies within five business days of making the request, either orally or in writing. A public educational agency may charge no more than the actual cost of reproducing the records, but if this cost prevents the parent/guardian from exercising their right to receive the copies, the copies shall be reproduced at no cost to the parent/guardian.

FERPA requires that the District inform parents/guardians that they have the right to:

- Inspect and review the student's education records;
- Seek amendment of the student's records that they believe to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent; and/or

- File a complaint with the Family Policy Compliance Office (FPCO) alleging the District's failure to comply with the requirements of FERPA.

The District will not permit access to any child's records without written parental permission except as follows:

- District officials and employees who have a legitimate educational interest including a school system where the child intends to enroll;
- Certain state and federal officials for audit purposes; and/or
- A pupil aged 16 or older, having completed the 10th grade who requests access to their own record.

The District may release information from the student's records for the following:

- In the event of emergency and/or when the knowledge of such information is necessary to protect the health or safety of the child and/or others;
- To educational organizations (i.e., the California Department of Education) to the extent necessary for the organization's function; and/or
- To officials and/or employees of private schools or school systems in which the child is enrolled or intends to enroll.

### ***Confidentiality of Records***

All procedural safeguards of the Individuals with Disabilities in Education Act (IDEA) shall be established and maintained. A custodian of records must be appointed by the District to ensure the confidentiality of any personally identifiable student information. This is usually the case manager, but may be another person who has been trained in confidentiality procedures. The custodian of records is responsible for ensuring that files are not easily accessible to the public. Files shall be located in a secure area. Records of access are maintained for individual files, which include the name of party, date, and purpose of access. (Ed. Code, § 49064)

If an agency or person provides a written report (i.e., assessment reports and protocols) for the school's information, it becomes a part of the pupil's record and therefore becomes available to the parent/guardian upon request. If emails are electronically or physically maintained, they become part of the pupil's record and therefore become available to the parent/guardian upon request. Test protocols are considered to be a part of a pupil's confidential file. Protocols must be maintained in a pupil's confidential file and copies provided to the parent/guardian upon request.

### ***Transfer of Records***

When a student transfers from one school to another, records should also be transferred in accordance with state and federal law. California schools are not required to obtain parent/guardian permission to forward records. In fact, they are required to forward records to

any California school of new or intended enrollment “within five (5) days.” Records cannot be withheld for nonpayment of fees or fines. (Ed. Code, § 49068) Mandatory permanent pupil records must be forwarded to all schools and a copy must be retained by the sending district. Private schools in California are required to forward mandatory permanent pupil records.

School personnel must have parental permission to communicate with outside providers about students. The family will need to provide consent through a written exchange of information to authorize transfer of records, verbal and/or email communications, etc., as appropriate. FERPA stipulates different guidelines to schools when communicating about students than does the Health Insurance Portability and Accountability Act (HIPAA), with which medical providers are more familiar.

### ***Special Education Record Request Process***

When a parent/guardian requests copies of a student’s special education records, please use the following process to guide your response:

1. Parents/guardians have the right to request records verbally or in writing per Education Code section 56504.
2. If a written request is received from a parent/guardian, the District shall date stamp the request. If the parent/guardian makes a verbal request, the District shall have a process in place to document the date of the request and the specific files requested.
3. The special education director/coordinator and/or District site administration should be informed of the request so they may assist with this process.
4. Provide parents/guardians with requested student records within 5 business days, without exception. If a school site receives a record request the day before a holiday break, the school site must provide the records within 5 business days, regardless of the school break.
5. Once copies have been provided, document how the records requested were provided to the parent/guardian (if mailing, it is recommended to use certified mail which provides a return receipt).